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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

|                           |   |                             |
|---------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA, | ) | CR No.: 3-07-70083 MEJ      |
|                           | ) |                             |
| Plaintiff,                | ) | STIPULATION AND [PROPOSED]  |
|                           | ) | <u>ORDER EXCLUDING TIME</u> |
| v.                        | ) |                             |
|                           | ) |                             |
| ERNESTO R. RODRIGUEZ,     | ) |                             |
|                           | ) |                             |
| Defendant.                | ) |                             |
|                           | ) |                             |

On February 15, 2007, the parties in this case appeared before the Court for a detention hearing. At that time, the parties requested and the Court agreed to continue the hearing to February 22, 2007. The parties further stipulated that pursuant to Federal Rule of Criminal Procedure (FRCP) 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from February 15, 2007, to and including February 22, 2007. The parties agree that – taking into account the public interest in prompt disposition of criminal cases – good cause exists for this extension. Defendant also agrees to exclude for this period of time any time limits applicable under Title 18, United States Code, Section 3161. The parties represented that granting the continuance was the

1 reasonable time necessary for continuity of defense counsel and effective preparation of defense  
2 counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv).

3 The parties also agreed that the ends of justice served by granting such a continuance  
4 outweighed the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. §  
5 3161(h)(8)(A).

6 SO STIPULATED:

7 SCOTT N. SCHOOLS  
Interim United States Attorney

8  
9 DATED: 2/23/2007

/s/ Derek Owens

10 DEREK OWENS  
Special Assistant United States Attorney

11 DATED: 2/26/2007

/s/ Steven Koeninger

12 STEVEN KOENINGER  
Federal Public Defender

13  
14 For the reasons stated above, the Court finds that an exclusion of time from February 15,  
15 2007, to and including February 22, 2007, is warranted and that the ends of justice served by the  
16 continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18  
17 U.S.C. §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested continuance would  
18 deny Mr. Rodriguez continuity of counsel and would deny defense counsel the reasonable time  
19 necessary for effective preparation, taking into account the exercise of due diligence, and would  
20 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

21  
22 SO ORDERED.

23 DATED: \_\_\_\_\_

24 THE HON. MARIA-ELENA JAMES  
United States Magistrate Judge